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P.O. Box 1450
Alexandria, VA 22313-1450

On September 19, 2003
TOWNSEND and TOWNSEND and CREW LLP
By: [Signature]

PATENT
Attorney Docket No.: 085765-000000US
Client Reference No.:
F5-99984361/AR011US

RECEIVED
SEP 26 2003
TECH CENTER 1600/2800

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MAKOTO YAMAMORI

Application No.: 09/325,819

Filed: June 4, 1999

**For: HIGH AMYLOSE WHEAT
STARCH AND WHEAT CONTAINING
THE SAME**

Examiner: Grunberg, A.

Art Unit: 1661

**DECLARATION OF MAKOTO
YAMAMORI UNDER 37 C.F.R. §1.132**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Makoto Yamamori, being duly warned that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.C. § 1001), and may jeopardize the validity of the patent application or any patent issuing thereon, state and declare as follows:

1. All statements herein made of my own knowledge are true, and statements made on information or belief are believed to be true and correct.
2. I am a named inventor on the above-referenced patent application and have control over the conditions of the deposit described herein.
3. I certify that:

MAKOTO YAMAMORI
Application No.: 09/325,819
Page 2

PATENT |

(a) Twenty-five hundred seed of each of wheat lines Turkey 116, Kanto 79, Chousen 30, and Chousen 57 were deposited on July 9, 2003 with the International Patent Organism Depository, National Institute of Advanced Industrial Science and Technology located at AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan. The following accession numbers were provided:

Turkey 116 FERM BP-08426

Kanto 79 FERM BP-08423

Chousen 30 FERM BP-08424

Chousen 57 FERM BP-08425

The deposit was made pursuant to the provisions of the Budapest Treaty. The deposited material is the same as that identified in the specification.

(b) All restrictions, except those required by law or regulation for safety, health, or similar reasons, on the availability to the public of the cell lines identified in Paragraph (a) will be irrevocably removed upon the granting of a patent for the above-identified application.

Date: September 8, 2003

By: Makoto Yamamori
Makoto Yamamori

「特許手続上の微生物の寄託の国際的承認
に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い
発行される。

BUTAPEST TREATY OF THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the INTERNATIONAL
DEPOSIT AUTHORITY identified at the bottom of this page.

原寄託についての受託証

氏名 (名称)

独立行政法人農業生物資源研究所
理事長 岩淵雅樹 殿

あて名

〒 305-8602
茨城県つくば市観音台2-1-2

1. 微生物の表示

(寄託者が付した識別のための表示)

関東79号 (Kanto 79)

(受託番号)

FERM BP- 08423

2. 科学的性質及び分類学上の位置

1欄の微生物には、次の事項を記載した文章が添付されていた。

- ☒ 科学的性質
☒ 分類学上の位置

3. 受領及び受託

本国際寄託当局は、2003年7月9日(原寄託日)に受領した1欄の微生物を受託する。

4. 移管請求の受領

本国際寄託当局は、年月日(原寄託日)に受領した1欄の微生物を受託した。
そして、年月日に原寄託によりブタペスト条約に基づく寄託への移管請求を受領した。

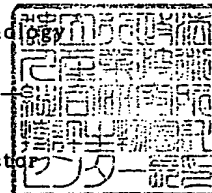
5. 国際寄託当局

名称 独立行政法人産業技術総合研究所 特許生物寄託センター

International Patent Organism Depositary
National Institute of Advanced Industrial Science and Technology

センター長 岡 修

Dr. Syuichi Oka, Director



あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566)

AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi,
Ibaraki-ken 305-8566 Japan

平成 15 年 (03) 7 月 10 日

**BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE**

TO

National Institute of Agrobiological Sciences
Representative: Masaki IWABUCHI

2-1-2 Kannondai, Tsukuba-shi, Ibaraki,
305-8602 Japan

NAME AND ADDRESS
OF DEPOSITOR

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: <div style="text-align: center;">Kanto 79</div>	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: <div style="text-align: center;">FERM BP-08423</div>
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I above was accompanied by: <div style="margin-top: 5px;"> <input checked="" type="checkbox"/> a scientific description <input checked="" type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable) </div>	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I above, which was received by it on <u>July 9, 2003</u> (date of the original deposit)	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on (date of the original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion)	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: <u>International Patent Organism Depositary, National Institute of Advanced Industrial Science and Technology</u> Address: <u>Dr. Syuichi OKA, Director</u> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <u>AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan</u> <u>Date: July 10, 2003</u> </div>	

「特許手続上の微生物の寄託の国際的承認
に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い
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原寄託についての受託証

氏名 (名称)

独立行政法人農業生物資源研究所
理事長 岩瀬雅樹 殿

あて名 〒 305-8602
茨城県つくば市観音台2-1-2

1. 微生物の表示	
(寄託者が付した識別のための表示) Chousen 30	(受託番号) FERM BP- 08424
2. 科学的性質及び分類学上の位置	
1欄の微生物には、次の事項を記載した文章が添付されていた。 <input checked="" type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
3. 受領及び受託	
本国際寄託当局は、2003年7月9日(原寄託日)に受領した1欄の微生物を受託する。	
4. 移管請求の受領	
本国際寄託当局は、年月日(原寄託日)に受領した1欄の微生物を受託した。 そして、年月日に原寄託によりブタペスト条約に基づく寄託への移管請求を受領した。	
5. 国際寄託当局	
名称 独立行政法人産業技術総合研究所 特許生物寄託センター International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology センター長 岡 修 Dr. Syuichi Oka, Director あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan	

平成 15 年 (03) 7 月 10 日

**BUDAPEST TREATY ON THE INTERNATIONAL
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FOR THE PURPOSES OF PATENT PROCEDURE**

TO

National Institute of Agrobiological Sciences
Representative: Masaki IWABUCHI

2-1-2 Kannondai, Tsukuba-shi, Ibaraki,
305-8602 Japan

NAME AND ADDRESS
OF DEPOSITOR

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
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INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

Chousen 30

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

FERM BP-08424

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:



a scientific description



a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I above, which was received by
it on July 9, 2003 (date of the original deposit)

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V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: International Patent Organism Depositary, National Institute of Advanced Industrial Science and Technology
Address: Dr. Syuichi OKA, Director

AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan

Date: July 10, 2003

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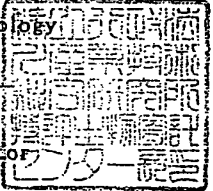
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原寄託についての受託証

氏名 (名称)

独立行政法人農業生物資源研究所
理事長 岩淵雅樹 殿

あて名 〒 305-8602
茨城県つくば市観音台2-1-2

1. 微生物の表示	
(寄託者が付した識別のための表示) Chousen 57	(受託番号) FERM BP- 08425
2. 科学的性質及び分類学上の位置	
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名称 独立行政法人産業技術総合研究所 特許生物寄託センター International Patent Organism Depository National Institute of Advanced Industrial Science and Technology センター長 岡 修 Dr. Syuichi Oka, Director 	
あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan	

平成 15 年 (03) 7 月 10 日

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I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

Chousen 57

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

FERM BP-08425

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

☒ a scientific description

☒ a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

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理事長 岩淵雅樹 殿

あて名 〒 305-8602
茨城県つくば市観音台2-1-2

1. 微生物の表示	
(寄託者が付した識別のための表示) Turkey 116	(受託番号) FERM BP- 08426
2. 科学的性質及び分類学上の位置	
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identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISMIdentification reference given by the
DEPOSITOR:

Turkey 116

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

FERM BP-08426

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

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Date: July 10, 2003